

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:23-mj-02060 Damian

UNITED STATES OF AMERICA

v.

GARY GRAHAM SEPTOO,

Defendant.

_____ /

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia Valle)? Yes X No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? Yes X No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By:



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AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of Florida

United States of America

v.

GARY GRAHAM SEPTOO,

Defendant(s)

Case No. 1:23-mj-02060 Damian

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 9, 2023 in the county of Miami-Dade in the
Southern District of Florida and elsewhere, the defendant(s) violated:

Code Section

8 U.S.C. § 1326(a)

Offense Description

Illegal Reentry of a Removed Alien

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.



Complainant's signature

Michelle Brown, Special Agent, HSI

Printed name and title

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by Face Time

Date: 1/14/2023



Judge's signature

City and state: Miami, Florida

Hon. Melissa Damian, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Michelle Brown, do hereby swear and affirm the following facts are true to the best of my knowledge, information, and belief:

INTRODUCTION

1. I am a Special Agent with Homeland Security Investigations (“HSI”) and have been so employed since 2014. I am currently assigned to the Human Smuggling Group in the HSI Miami office where I am responsible for conducting investigations regarding violations of federal laws, particularly those laws found in Titles 8, 18, 19, and 21 of the United States Code. Prior to working for HSI, I was a special agent with the Small Business Administration, Office of Inspector General (“SBA-OIG”) and the Internal Revenue Service, Criminal Investigation Division (“IRS-CI”). In those positions, I conducted investigations related to financial crimes.

2. This Affidavit is submitted in support of a criminal complaint charging Gary Graham SEPTOO (SEPTOO) with illegal reentry in violation of Title 8, United States Code, Sections 1326(a).

3. The statements contained in this Affidavit are based on my personal knowledge, as well as information provided to me by other law enforcement officials and witnesses involved in this investigation. I have not included in this Affidavit each and every fact known to me. Rather, I have included only the facts that are sufficient to establish probable cause for the issuance of a criminal complaint against SEPTOO for the above-described criminal violation.

PROBABLE CAUSE

4. On January 9, 2023, at approximately 6:24 P.M., the U.S. Customs and Border Protection, Office of Air and Marine Operations (CBP AMO), air asset Troy 017, located a vessel (hereinafter referred to as the “SUSPECT VESSEL”) travelling westbound towards the United

States, approximately 16 nautical miles southwest of North Cat Cay Island, Bahamas. T017 notified the Miami Marine Unit (MMU) of the SUSPECT VESSEL's position, course, and speed.

5. T017 continued to monitor the SUSPECT VESSEL as it crossed into U.S. territorial waters. T017 provided vectors to all the surface units. CBP AMO surface assets, M-812 and M-844, arrived on scene. The SUSPECT VESSEL failed to stop when both M-812 and M-844 energized their lights and sirens. M-812 fired two (2) warning rounds and at approximately 8:26 P.M. the SUSPECT VESSEL stopped at approximately 8 NM SE of Elliot Key, Florida.

6. There were 24 people on board the SUSPECT VESSEL, including SEPTOO, all of whom were transferred to the COAST GUARD CUTTER MANOWAR for biometric checks. Biometric checks confirmed that SEPTOO had prior immigration-related arrests.

7. A search of the SUSPECT VESSEL operator's cell phone revealed an active GPS track line from Bimini, Bahamas to Haulover Inlet, Florida.

8. Further records checks revealed that SEPTOO was a national of South Africa and did not have authorization to enter or remain in the U.S. lawfully. Immigration documents also revealed that SEPTOO had been removed from the U.S. on or about May 18, 2021, and was prohibited from entering, attempting to enter, or being in the U.S. for a period of five (5) years.

9. SEPTOO does not have the consent of the Attorney General or the Secretary of Homeland Security for the United States to apply for readmission to the United States.

CONCLUSION

10. Based on my training and experience, and as further supported by the facts set forth in this Affidavit, I respectfully submit that probable cause exists to believe that SEPTOO, an alien, having previously been removed from the United States on or about May 18, 2021, did re-

enter and attempt to re-enter the United States illegally, in violation of Title 8, United States Code, Section 1326(a).

FURTHER YOUR AFFIANT SAYETH NAUGHT.



MICHELLE BROWN, SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Attested to by the applicant in accordance with the requirements
of Fed. R. Crim. P. 4.1 by Face Time this 14th day of January 2023.



HONORABLE MELISSA DAMIAN
UNITED STATES MAGISTRATE JUDGE